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8 Attorney for Derek S. Herbert

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA  
11

12 United States of America,  
13 Plaintiff,  
14 v.  
15 Derek S. Herbert,  
16 Defendant.  
17

Case No. 2:18-cr-00020-APG-NJK

**Stipulation to Withdraw Petition  
(ECF No. 46) and vacate  
Revocation Hearing**

18 On July 7, 2022, Defendant Derek S. Herbert appeared before this Court  
19 for a Revocation of Supervised Release hearing. ECF No. 50. At the hearing, the  
20 parties advised the Court that the parties had reached a resolution, whereby  
21 Mr. Herbert would admit to two of the three violations in the petition against  
22 him (ECF No. 46). In exchange, the parties requested this Court hold  
23 Mr. Herbert's sentence in abeyance, with the understanding that if Mr. Herbert  
24 accrued no new violations before his scheduled supervised release expiration date  
25 of July 20, 2022, the parties would stipulate to withdrawing the petition and  
26 vacating the Hearing. ECF No. 50.

1 Probation informed the parties that Mr. Herbert has accrued no new  
2 violations. As such, the parties stipulate that the Petition (ECF No. 46) should  
3 be withdrawn and the upcoming revocation hearing should be vacated.

4 DATED: July 19, 2022.

5 RENE L. VALLADARES  
6 Federal Public Defender

JASON M. FRIERSON  
United States Attorney

7 By /s/ Benjamin F. J. Nemec

By /s/ Chris Burton

8 BENJAMIN F. J. NEMEC  
Assistant Federal Public Defender

CHRIS BURTON  
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 United States of America,  
4

5 Plaintiff,

6 v.

7 Derek S. Herbert,

8 Defendant.  
9

Case No. 2:18-cr-00020-APG-NJK

**Order on Stipulation to Withdraw  
Petition (ECF No. 46) and vacate  
Revocation Hearing**

10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing  
12 therefore, the Court finds that:

13 1. On July 7, 2022, Defendant Derek S. Herbert appeared before this  
14 Court for a Revocation of Supervised Release hearing. ECF No. 50.

15 2. At the hearing, the parties advised the Court that the parties had  
16 reached a resolution, whereby Mr. Herbert would admit to two of the three  
17 violations in the petition against him (ECF No. 46). In exchange, the parties  
18 requested this Court hold Mr. Herbert's sentence in abeyance, with the  
19 understanding that if Mr. Herbert accrued no new violations before his scheduled  
20 supervised release expiration date of July 20, 2022, the parties would stipulate to  
21 withdrawing the petition and vacating the Hearing. ECF No. 50.

22 3. Mr. Herbert has accrued no new violations.  
23  
24  
25  
26

**ORDER**

IT IS THEREFORE ORDERED the petition pending before this Court (ECF No. 46) shall be withdrawn.

IT IS FURTHER ORDERED that the hearing scheduled for July 20, 2022 shall be vacated.

DATED this 20th day of July 2022.



UNITED STATES DISTRICT JUDGE